



May 16, 2019

**Via ECF**

Hon. Denise L. Cote  
United States District Court  
Southern District of New York  
United States Courthouse  
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Re: *Securities and Exchange Commission v. Lek Securities Corp., et al.* (17-cv-01789 (DLC))

Your Honor:

On behalf of Defendants Lek Securities Corp. and Samuel Lek (together, the “Lek Defendants”), we write to seek clarification of the Court’s Order, dated May 13, 2019, Dkt. No. 379 (the “May 13 Order”). Issued in response to the Securities and Exchange Commission’s (“SEC”) request to reset the trial-ready date, the May 13 Order scheduled a conference on June 10, 2019 “in order to select a trial date.” Dkt. No. 379 at 2.

The Lek Defendants understand that the May 13 Order does not alter the July 12, 2019 deadline for filing the Joint Pretrial Order. *See* Dkt. No. 356 at 2. To ensure the parties meet that deadline, the Lek Defendants sought to negotiate with the SEC a schedule for identification of trial witnesses not yet deposed and scheduling their depositions in accordance with the Court’s Order during discovery. *See* Dkt. Nos. 114; 128 at 26-30 (limiting the number of depositions during discovery subject to the right to depose any disclosed trial witness in advance of trial).

Prior to the issuance of the May 13 Order, the SEC had been willing to engage in such conversations.<sup>1</sup> After issuance of the May 13 Order, however, the SEC has declined to engage in such pretrial efforts with the Lek Defendants. In response to the Lek Defendants’ request to negotiate a schedule for identification of witnesses not yet deposed and scheduling those witnesses’ depositions, the SEC stated that “[t]he May 13, 2019 order states that the June 10 conference is being held ‘to select a trial date.’ Because we do not yet know what trial date will be selected, it does not seem to make sense to set pre-trial deadlines at this time.”

The Lek Defendants respectfully request that the Court clarify whether the July 12, 2019 deadline to file the Joint Pretrial Order is still in effect, so the parties can understand whether they should be engaging in pretrial discussions to allow that deadline to be met.

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<sup>1</sup> As the SEC informed the Court in a filing on May 3, 2019: “To the extent that the Lek Defendants seek to take depositions of McCluskey or Smith pursuant to the Court’s earlier order regarding depositions of witnesses before trial (*see* ECF No. 114; ECF No. 128, at 26-30), the SEC has advised all of the defendants that it is willing to discuss a mutual disclosure of trial witnesses as well as additional depositions that the parties may wish to take before trial.” Dkt. No. 370 at 25, n.21.

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Respectfully submitted,

*/s/ Steve Dollar*

Steve Dollar  
cc: All Counsel of Record